

VETERAN'S SEPARATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill provides uniform military discharge language for the purpose of qualifying for certain benefits.

Highlighted Provisions:

This bill:

- ▶ amends the Utah Code to provide uniformity in the types of separations that govern discharges from the military and in qualifying for certain benefits.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-104, as last amended by Laws of Utah 2013, Chapter 411

53-3-205, as last amended by Laws of Utah 2013, Chapters 214 and 259

53-3-207, as last amended by Laws of Utah 2013, Chapter 278

53-3-407, as last amended by Laws of Utah 2013, Chapter 411

53-3-804, as last amended by Laws of Utah 2013, Chapter 214

53-3-805, as last amended by Laws of Utah 2013, Chapters 214 and 300

59-2-1104, as last amended by Laws of Utah 2013, Chapter 214

71-8-1, as last amended by Laws of Utah 2013, Chapters 214 and 308

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **53-3-104** is amended to read:

32 **53-3-104. Division duties.**

33 The division shall:

34 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
35 make rules:

36 (a) for examining applicants for a license, as necessary for the safety and welfare of the
37 traveling public;

38 (b) for acceptable documentation of an applicant's identity, Social Security number,
39 Utah resident status, Utah residence address, proof of legal presence, proof of citizenship in the
40 United States, honorable or general discharge from the United States military, and other proof
41 or documentation required under this chapter;

42 (c) regarding the restrictions to be imposed on a person driving a motor vehicle with a
43 temporary learner permit or learner permit;

44 (d) for exemptions from licensing requirements as authorized in this chapter; and

45 (e) establishing procedures for the storage and maintenance of applicant information
46 provided in accordance with Section [53-3-205](#), [53-3-410](#), or [53-3-804](#);

47 (2) examine each applicant according to the class of license applied for;

48 (3) license motor vehicle drivers;

49 (4) file every application for a license received by it and shall maintain indices
50 containing:

51 (a) all applications denied and the reason each was denied;

52 (b) all applications granted; and

53 (c) the name of every licensee whose license has been suspended, disqualified, or
54 revoked by the division and the reasons for the action;

55 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with
56 this chapter;

57 (6) file all accident reports and abstracts of court records of convictions received by it

58 under state law;

59 (7) maintain a record of each licensee showing the licensee's convictions and the traffic
60 accidents in which the licensee has been involved where a conviction has resulted;

61 (8) consider the record of a licensee upon an application for renewal of a license and at
62 other appropriate times;

63 (9) search the license files, compile, and furnish a report on the driving record of any
64 person licensed in the state in accordance with Section 53-3-109;

65 (10) develop and implement a record system as required by Section 41-6a-604;

66 (11) in accordance with Section 53A-13-208, establish:

67 (a) procedures and standards to certify teachers of driver education classes to
68 administer knowledge and skills tests;

69 (b) minimal standards for the tests; and

70 (c) procedures to enable school districts to administer or process any tests for students
71 to receive a class D operator's license;

72 (12) in accordance with Section 53-3-510, establish:

73 (a) procedures and standards to certify licensed instructors of commercial driver
74 training school courses to administer the skills test;

75 (b) minimal standards for the test; and

76 (c) procedures to enable licensed commercial driver training schools to administer or
77 process skills tests for students to receive a class D operator's license;

78 (13) provide administrative support to the Driver License Medical Advisory Board
79 created in Section 53-3-303;

80 (14) upon request by the lieutenant governor, provide the lieutenant governor with a
81 digital copy of the driver license or identification card signature of a person who is an applicant
82 for voter registration under Section 20A-2-206; and

83 (15) in accordance with Section 53-3-407.1, establish:

84 (a) procedures and standards to license a commercial driver license third party tester or
85 commercial driver license third party examiner to administer the commercial driver license

86 skills tests;

87 (b) minimum standards for the commercial driver license skills test; and

88 (c) procedures to enable a licensed commercial driver license third party tester or
89 commercial driver license third party examiner to administer a commercial driver license skills
90 test for an applicant to receive a commercial driver license.

91 Section 2. Section **53-3-205** is amended to read:

92 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
93 **Expiration dates of licenses and endorsements -- Information required -- Previous**
94 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
95 **Fee required -- License agreement.**

96 (1) An application for any original license, provisional license, or endorsement shall
97 be:

98 (a) made upon a form furnished by the division; and

99 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#).

100 (2) An application and fee for an original provisional class D license or an original
101 class D license entitle the applicant to:

102 (a) not more than three attempts to pass both the knowledge and the skills tests for a
103 class D license within six months of the date of the application;

104 (b) a learner permit if needed pending completion of the application and testing
105 process; and

106 (c) an original class D license and license certificate after all tests are passed and
107 requirements are completed.

108 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
109 applicant to:

110 (a) not more than three attempts to pass both the knowledge and skills tests within six
111 months of the date of the application;

112 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

113 (c) a motorcycle or taxicab endorsement when all tests are passed.

114 (4) An application and fees for a commercial class A, B, or C license entitle the
115 applicant to:

116 (a) not more than two attempts to pass a knowledge test and not more than two
117 attempts to pass a skills test within six months of the date of the application;

118 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
119 and

120 (c) an original commercial class A, B, or C license and license certificate when all
121 applicable tests are passed.

122 (5) An application and fee for a CDL endorsement entitle the applicant to:

123 (a) not more than two attempts to pass a knowledge test and not more than two
124 attempts to pass a skills test within six months of the date of the application; and

125 (b) a CDL endorsement when all tests are passed.

126 (6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
127 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
128 two additional times within the six months for the fee provided in Section [53-3-105](#).

129 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
130 expires on the birth date of the applicant in the fifth year following the year the license
131 certificate was issued.

132 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension
133 to a license expires on the birth date of the licensee in the fifth year following the expiration
134 date of the license certificate renewed or extended.

135 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
136 the same date as the last license certificate issued.

137 (d) An endorsement to a license expires on the same date as the license certificate
138 regardless of the date the endorsement was granted.

139 (e) (i) A regular license certificate and any endorsement to the regular license
140 certificate held by a person described in Subsection (7)(e)(ii), which expires during the time
141 period the person is stationed outside of the state, is valid until 90 days after the person's orders

142 have been terminated, the person has been discharged, or the person's assignment has been
143 changed or terminated, unless:

144 (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by
145 the division; or

146 (B) the licensee updates the information or photograph on the license certificate.

147 (ii) The provisions in Subsection (7)(e)(i) apply to a person:

148 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of
149 the United States;

150 (B) who is an immediate family member or dependent of a person described in
151 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

152 (C) who is a civilian employee of the United States State Department or United States
153 Department of Defense and is stationed outside of the United States; or

154 (D) who is an immediate family member or dependent of a person described in
155 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

156 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a
157 renewal to a limited-term license certificate expires:

158 (A) on the expiration date of the period of time of the individual's authorized stay in
159 the United States or on the date provided under this Subsection (7), whichever is sooner; or

160 (B) on the date of issuance in the first year following the year that the limited-term
161 license certificate was issued if there is no definite end to the individual's period of authorized
162 stay.

163 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
164 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth
165 year following the year that the limited-term license certificate was issued.

166 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
167 birth date of the applicant in the first year following the year that the driving privilege card was
168 issued or renewed.

169 (h) An original license or a renewal to an original license expires on the birth date of

170 the applicant in the first year following the year that the license was issued if the applicant is
171 required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap
172 Offender Registry.

173 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
174 Procedures Act, for requests for agency action, each applicant shall:

175 (i) provide:

176 (A) the applicant's full legal name;

177 (B) the applicant's birth date;

178 (C) the applicant's gender;

179 (D) (I) documentary evidence of the applicant's valid Social Security number;

180 (II) written proof that the applicant is ineligible to receive a Social Security number;

181 (III) the applicant's temporary identification number (ITIN) issued by the Internal

182 Revenue Service for a person who:

183 (Aa) does not qualify for a Social Security number; and

184 (Bb) is applying for a driving privilege card; or

185 (IV) other documentary evidence approved by the division;

186 (E) the applicant's Utah residence address as documented by a form or forms

187 acceptable under rules made by the division under Section 53-3-104, unless the application is

188 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

189 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person is

190 applying for a driving privilege card;

191 (ii) provide evidence of the applicant's lawful presence in the United States by

192 providing documentary evidence:

193 (A) that a person is:

194 (I) a United States citizen;

195 (II) a United States national; or

196 (III) a legal permanent resident alien; or

197 (B) of the applicant's:

- 198 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
199 States;
- 200 (II) pending or approved application for asylum in the United States;
- 201 (III) admission into the United States as a refugee;
- 202 (IV) pending or approved application for temporary protected status in the United
203 States;
- 204 (V) approved deferred action status;
- 205 (VI) pending application for adjustment of status to legal permanent resident or
206 conditional resident; or
- 207 (VII) conditional permanent resident alien status;
- 208 (iii) provide a description of the applicant;
- 209 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
210 and, if so, when and by what state or country;
- 211 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
212 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
213 application refused, and if so, the date of and reason for the suspension, cancellation,
214 revocation, disqualification, denial, or refusal;
- 215 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
216 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 217 (vii) state whether the applicant is required to register as a sex offender in accordance
218 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 219 (viii) state whether the applicant is a veteran of the United States military, provide
220 verification that the applicant was ~~[honorably discharged]~~ granted an honorable or general
221 discharge from the United States ~~[military]~~ Armed Forces, and state whether the applicant does
222 or does not authorize sharing the information with the state Department of Veterans' and
223 Military Affairs;
- 224 (ix) provide all other information the division requires; and
- 225 (x) sign the application which signature may include an electronic signature as defined

226 in Section [46-4-102](#).

227 (b) Each applicant shall have a Utah residence address, unless the application is for a
228 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).

229 (c) Each applicant shall provide evidence of lawful presence in the United States in
230 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

231 (d) The division shall maintain on its computerized records an applicant's:

232 (i) (A) Social Security number;

233 (B) temporary identification number (ITIN); or

234 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

235 (ii) indication whether the applicant is required to register as a sex offender in
236 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

237 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
238 by at least one of the following means:

239 (a) current license certificate;

240 (b) birth certificate;

241 (c) Selective Service registration; or

242 (d) other proof, including church records, family Bible notations, school records, or
243 other evidence considered acceptable by the division.

244 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
245 higher class than what the applicant originally was issued:

246 (i) the license application shall be treated as an original application; and

247 (ii) license and endorsement fees shall be assessed under Section [53-3-105](#).

248 (b) An applicant that receives a downgraded license in a lower license class during an
249 existing license cycle that has not expired:

250 (i) may be issued a duplicate license with a lower license classification for the
251 remainder of the existing license cycle; and

252 (ii) shall be assessed a duplicate license fee under Subsection [53-3-105\(22\)](#) if a
253 duplicate license is issued under Subsection (10)(b)(i).

254 (c) An applicant who has received a downgraded license in a lower license class under
255 Subsection (10)(b):

256 (i) may, when eligible, receive a duplicate license in the highest class previously issued
257 during a license cycle that has not expired for the remainder of the existing license cycle; and

258 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
259 duplicate license is issued under Subsection (10)(c)(i).

260 (11) (a) When an application is received from a person previously licensed in another
261 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
262 other state.

263 (b) When received, the driver's record becomes part of the driver's record in this state
264 with the same effect as though entered originally on the driver's record in this state.

265 (12) An application for reinstatement of a license after the suspension, cancellation,
266 disqualification, denial, or revocation of a previous license shall be accompanied by the
267 additional fee or fees specified in Section 53-3-105.

268 (13) A person who has an appointment with the division for testing and fails to keep
269 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
270 under Section 53-3-105.

271 (14) A person who applies for an original license or renewal of a license agrees that the
272 person's license is subject to any suspension or revocation authorized under this title or Title
273 41, Motor Vehicles.

274 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by
275 the licensee in accordance with division rule.

276 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
277 Management Act, the division may, upon request, release to an organ procurement
278 organization, as defined in Section 26-28-102, the names and addresses of all persons who
279 under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

280 (ii) An organ procurement organization may use released information only to:

281 (A) obtain additional information for an anatomical gift registry; and

282 (B) inform licensees of anatomical gift options, procedures, and benefits.

283 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
284 Management Act, the division may release to the Department of Veterans' and Military Affairs
285 the names and addresses of all persons who indicate their status as a veteran under Subsection
286 (8)(a)(viii).

287 (17) The division and its employees are not liable, as a result of false or inaccurate
288 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

- 289 (a) loss;
- 290 (b) detriment; or
- 291 (c) injury.

292 (18) A person who knowingly fails to provide the information required under
293 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

294 (19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may
295 hold both an unexpired Utah license certificate and an unexpired Utah identification card.

296 (b) On or after December 1, 2014, a person born on or after December 1, 1964:

297 (i) may not hold both an unexpired Utah license certificate and an unexpired
298 identification card; and

299 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
300 identification card in the person's possession, shall be required to surrender either the unexpired
301 Utah license certificate or the unexpired Utah identification card.

302 (c) If a person has not surrendered either the Utah license certificate or the Utah
303 identification card as required under this Subsection (19), the division shall cancel the Utah
304 identification card on December 1, 2014.

305 (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold
306 both an unexpired Utah license certificate and an unexpired Utah identification card.

307 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

308 (i) may not hold both an unexpired Utah license certificate and an unexpired
309 identification card; and

310 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
311 identification card in the person's possession, shall be required to surrender either the unexpired
312 Utah license certificate or the unexpired Utah identification card.

313 (c) If a person has not surrendered either the Utah license certificate or the Utah
314 identification card as required under this Subsection (20), the division shall cancel the Utah
315 identification card on December 1, 2017.

316 (21) (a) A person who applies for an original motorcycle endorsement to a regular
317 license certificate is exempt from the requirement to pass the knowledge and skills test to be
318 eligible for the motorcycle endorsement if the person:

319 (i) is a resident of the state of Utah;

320 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
321 forces of the United States; or

322 (B) is an immediate family member or dependent of a person described in Subsection
323 (21)(a)(ii)(A) and is residing outside of Utah;

324 (iii) has a digitized driver license photo on file with the division;

325 (iv) provides proof to the division of the successful completion of a certified
326 Motorcycle Safety Foundation rider training course; and

327 (v) provides the necessary information and documentary evidence required under
328 Subsection (8).

329 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
330 division shall make rules:

331 (i) establishing the procedures for a person to obtain a motorcycle endorsement under
332 this Subsection (21); and

333 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
334 this Subsection (21).

335 Section 3. Section **53-3-207** is amended to read:

336 **53-3-207. License certificates or driving privilege cards issued to drivers by class**
337 **of motor vehicle -- Contents -- Release of anatomical gift information -- Temporary**

338 **licenses or driving privilege cards -- Minors' licenses, cards, and permits -- Violation.**

339 (1) As used in this section:

340 (a) "driving privilege" means the privilege granted under this chapter to drive a motor
341 vehicle;

342 (b) "governmental entity" means the state and its political subdivisions as defined in
343 this Subsection (1);

344 (c) "political subdivision" means any county, city, town, school district, public transit
345 district, community development and renewal agency, special improvement or taxing district,
346 local district, special service district, an entity created by an interlocal agreement adopted under
347 Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public
348 corporation; and

349 (d) "state" means this state, and includes any office, department, agency, authority,
350 commission, board, institution, hospital, college, university, children's justice center, or other
351 instrumentality of the state.

352 (2) (a) The division shall issue to every person privileged to drive a motor vehicle, a
353 regular license certificate, a limited-term license certificate, or a driving privilege card
354 indicating the type or class of motor vehicle the person may drive.

355 (b) A person may not drive a class of motor vehicle unless granted the privilege in that
356 class.

357 (3) (a) Every regular license certificate, limited-term license certificate, or driving
358 privilege card shall bear:

359 (i) the distinguishing number assigned to the person by the division;

360 (ii) the name, birth date, and Utah residence address of the person;

361 (iii) a brief description of the person for the purpose of identification;

362 (iv) any restrictions imposed on the license under Section [53-3-208](#);

363 (v) a photograph of the person;

364 (vi) a photograph or other facsimile of the person's signature;

365 (vii) an indication whether the person intends to make an anatomical gift under Title

366 26, Chapter 28, Revised Uniform Anatomical Gift Act, unless the driving privilege is extended
367 under Subsection 53-3-214(3); and

368 (viii) except as provided in Subsection (3)(b), if the person states that the person is a
369 veteran of the United States military on the application for a driver license in accordance with
370 Section 53-3-205 and provides verification that the person was ~~[honorably discharged]~~ granted
371 an honorable or general discharge from the United States ~~[military]~~ Armed Forces, an
372 indication that the person is a United States military veteran for a regular license certificate or
373 limited-term license certificate issued on or after July 1, 2011.

374 (b) A regular license certificate or limited-term license certificate issued to any person
375 younger than 21 years on a portrait-style format as required in Subsection (5)(b)(i) is not
376 required to include an indication that the person is a United States military veteran under
377 Subsection (3)(a)(viii).

378 (c) A new license certificate issued by the division may not bear the person's Social
379 Security number.

380 (d) (i) The regular license certificate, limited-term license certificate, or driving
381 privilege card shall be of an impervious material, resistant to wear, damage, and alteration.

382 (ii) Except as provided under Subsection (4)(b), the size, form, and color of the regular
383 license certificate, limited-term license certificate, or driving privilege card shall be as
384 prescribed by the commissioner.

385 (iii) The commissioner may also prescribe the issuance of a special type of limited
386 regular license certificate, limited-term license certificate, or driving privilege card under
387 Subsection 53-3-220(4).

388 (4) (a) (i) The division, upon determining after an examination that an applicant is
389 mentally and physically qualified to be granted a driving privilege, may issue to an applicant a
390 receipt for the fee if the applicant is eligible for a regular license certificate or limited-term
391 license certificate.

392 (ii) (A) The division shall issue a temporary regular license certificate or temporary
393 limited-term license certificate allowing the person to drive a motor vehicle while the division

394 is completing its investigation to determine whether the person is entitled to be granted a
395 driving privilege.

396 (B) A temporary regular license certificate or a temporary limited-term license
397 certificate issued under this Subsection (4) shall be recognized and have the same rights and
398 privileges as a regular license certificate or a limited-term license certificate.

399 (b) The temporary regular license certificate or temporary limited-term license
400 certificate shall be in the person's immediate possession while driving a motor vehicle, and it is
401 invalid when the person's regular license certificate or limited-term license certificate has been
402 issued or when, for good cause, the privilege has been refused.

403 (c) The division shall indicate on the temporary regular license certificate or temporary
404 limited-term license certificate a date after which it is not valid as a temporary license.

405 (d) (i) Except as provided in Subsection (4)(d)(ii), the division may not issue a
406 temporary driving privilege card or other temporary permit to an applicant for a driving
407 privilege card.

408 (ii) The division may issue a learner permit issued in accordance with Section
409 [53-3-210.5](#) to an applicant for a driving privilege card.

410 (5) (a) The division shall distinguish learner permits, temporary permits, regular
411 license certificates, limited-term license certificates, and driving privilege cards issued to any
412 person younger than 21 years of age by use of plainly printed information or the use of a color
413 or other means not used for other regular license certificates, limited-term license certificates,
414 or driving privilege cards.

415 (b) The division shall distinguish a regular license certificate, limited-term license
416 certificate, or driving privilege card issued to any person:

417 (i) younger than 21 years of age by use of a portrait-style format not used for other
418 regular license certificates, limited-term license certificates, or driving privilege cards and by
419 plainly printing the date the regular license certificate, limited-term license certificate, or
420 driving privilege card holder is 21 years of age, which is the legal age for purchasing an
421 alcoholic beverage or alcoholic product under Section [32B-4-403](#); and

422 (ii) younger than 19 years of age, by plainly printing the date the regular license
423 certificate, limited-term license certificate, or driving privilege card holder is 19 years of age,
424 which is the legal age for purchasing tobacco products under Section 76-10-104.

425 (6) The division shall distinguish a limited-term license certificate by clearly indicating
426 on the document:

427 (a) that it is temporary; and

428 (b) its expiration date.

429 (7) (a) The division shall only issue a driving privilege card to a person whose privilege
430 was obtained without providing evidence of lawful presence in the United States as required
431 under Subsection 53-3-205(8).

432 (b) The division shall distinguish a driving privilege card from a license certificate by:

433 (i) use of a format, color, font, or other means; and

434 (ii) clearly displaying on the front of the driving privilege card a phrase substantially
435 similar to "FOR DRIVING PRIVILEGES ONLY -- NOT VALID FOR IDENTIFICATION".

436 (8) The provisions of Subsection (5)(b) do not apply to a learner permit, temporary
437 permit, temporary regular license certificate, temporary limited-term license certificate, or any
438 other temporary permit.

439 (9) The division shall issue temporary license certificates of the same nature, except as
440 to duration, as the license certificates that they temporarily replace, as are necessary to
441 implement applicable provisions of this section and Section 53-3-223.

442 (10) (a) A governmental entity may not accept a driving privilege card as proof of
443 personal identification.

444 (b) A driving privilege card may not be used as a document providing proof of a
445 person's age for any government required purpose.

446 (11) A person who violates Subsection (2)(b) is guilty of a class C misdemeanor.

447 (12) Unless otherwise provided, the provisions, requirements, classes, endorsements,
448 fees, restrictions, and sanctions under this code apply to a:

449 (a) driving privilege in the same way as a license or limited-term license issued under

450 this chapter; and

451 (b) limited-term license certificate or driving privilege card in the same way as a
452 regular license certificate issued under this chapter.

453 Section 4. Section **53-3-407** is amended to read:

454 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
455 **administer skills test.**

456 (1) (a) As used in this section, "CDL driver training school" means a business
457 enterprise conducted by an individual, association, partnership, or corporation that:

458 (i) educates and trains persons, either practically or theoretically, or both, to drive
459 commercial motor vehicles; and

460 (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).

461 (b) A CDL driver training school may charge a consideration or tuition for the services
462 provided under Subsection (1)(a).

463 (2) (a) Except as provided in Subsection (2)(b) and (c), a CDL may be issued only to a
464 person who:

465 (i) is a resident of this state;

466 (ii) has passed a test of knowledge and skills for driving a commercial motor vehicle,
467 that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383,
468 Subparts G and H; and

469 (iii) has complied with all requirements of 49 C.F.R. Part 383 and other applicable
470 state laws and federal regulations.

471 (b) (i) A temporary CDL may be issued to a person who:

472 (A) is enrolled in a CDL driver training school located in Utah;

473 (B) has passed a test of knowledge and skills for driving a commercial motor vehicle,
474 that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383,
475 Subparts G and H; and

476 (C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H.

477 (ii) A temporary CDL issued under this Subsection (2)(b):

478 (A) is valid for 60 days; and

479 (B) may not be renewed or extended.

480 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(v),
481 53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,
482 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL
483 issued under this Subsection (2)(b) in the same way as a commercial driver license issued
484 under this part.

485 (c) The department shall waive the skills test specified in this section for a commercial
486 driver license applicant who, subject to the limitations and requirements of 49 C.F.R. Sec.
487 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77 and certifies
488 that the applicant:

489 (i) is a member of the active or reserve components of any branch or unit of the armed
490 forces or a veteran who received an honorable or general discharge from any branch or unit of
491 the active or reserve components of the United States Armed Forces;

492 (ii) is or was regularly employed in a position in the armed forces requiring operation
493 of a commercial motor vehicle; and

494 (iii) has legally operated, while on active duty for at least two years immediately
495 preceding application for a commercial driver license, a vehicle representative of the
496 commercial motor vehicle the driver applicant operates or expects to operate.

497 (d) An applicant who requests a waiver under Subsection (2)(c) shall present a
498 completed application for a military skills test waiver at the time of the request.

499 (3) Tests required under this section shall be prescribed and administered by the
500 division.

501 (4) The division shall authorize a person, an agency of this state, an employer, a private
502 driver training facility or other private institution, or a department, agency, or entity of local
503 government to administer the skills test required under this section if:

504 (a) the test is the same test as prescribed by the division, and is administered in the
505 same manner; and

506 (b) the party authorized under this section to administer the test has entered into an
507 agreement with the state that complies with the requirements of 49 C.F.R. Sec. 383.75.

508 (5) A person who has an appointment with the division for testing and fails to keep the
509 appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
510 under Section 53-3-105.

511 (6) A person authorized under this section to administer the skills test is not criminally
512 or civilly liable for the administration of the test unless he administers the test in a grossly
513 negligent manner.

514 (7) The division may waive the skills test required under this section if it determines
515 that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

516 Section 5. Section 53-3-804 is amended to read:

517 **53-3-804. Application for identification card -- Required information -- Release**
518 **of anatomical gift information -- Cancellation of identification card.**

519 (1) To apply for an identification card or limited-term identification card, the applicant
520 shall:

- 521 (a) be a Utah resident;
- 522 (b) have a Utah residence address; and
- 523 (c) appear in person at any license examining station.

524 (2) The applicant shall provide the following information to the division:

- 525 (a) true and full legal name and Utah residence address;
- 526 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or
527 other satisfactory evidence of birth, which shall be attached to the application;
- 528 (c) (i) Social Security number; or
- 529 (ii) written proof that the applicant is ineligible to receive a Social Security number;
- 530 (d) place of birth;
- 531 (e) height and weight;
- 532 (f) color of eyes and hair;
- 533 (g) signature;

- 534 (h) photograph;
- 535 (i) evidence of the applicant's lawful presence in the United States by providing
- 536 documentary evidence:
- 537 (i) that a person is:
- 538 (A) a United States citizen;
- 539 (B) a United States national; or
- 540 (C) a legal permanent resident alien; or
- 541 (ii) of the applicant's:
- 542 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
- 543 States;
- 544 (B) pending or approved application for asylum in the United States;
- 545 (C) admission into the United States as a refugee;
- 546 (D) pending or approved application for temporary protected status in the United
- 547 States;
- 548 (E) approved deferred action status;
- 549 (F) pending application for adjustment of status to legal permanent resident or
- 550 conditional resident; or
- 551 (G) conditional permanent resident alien status;
- 552 (j) an indication whether the applicant intends to make an anatomical gift under Title
- 553 26, Chapter 28, Revised Uniform Anatomical Gift Act;
- 554 (k) an indication whether the applicant is required to register as a sex offender in
- 555 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry; and
- 556 (l) an indication whether the applicant is a veteran of the United States [~~military~~
- 557 Armed Forces, verification that the applicant has [~~been honorably discharged~~] received an
- 558 honorable or general discharge from the United States [~~military~~] Armed Forces, and an
- 559 indication whether the applicant does or does not authorize sharing the information with the
- 560 state Department of Veterans' and Military Affairs.
- 561 (3) The requirements of Section [53-3-234](#) apply to this section for each person, age 16

562 and older, applying for an identification card. Refusal to consent to the release of information
563 shall result in the denial of the identification card.

564 (4) A person who knowingly fails to provide the information required under Subsection
565 (2)(k) is guilty of a class A misdemeanor.

566 (5) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold
567 both an unexpired Utah license certificate and an unexpired Utah identification card.

568 (b) On or after December 1, 2014, a person born on or after December 1, 1964:

569 (i) may not hold both an unexpired Utah license certificate and an unexpired
570 identification card; and

571 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
572 identification card in the person's possession, shall be required to surrender either the unexpired
573 Utah license certificate or the unexpired Utah identification card.

574 (c) If a person has not surrendered either the Utah license certificate or the Utah
575 identification card as required under this Subsection (5), the division shall cancel the Utah
576 identification card on December 1, 2014.

577 (6) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold
578 both an unexpired Utah license certificate and an unexpired Utah identification card.

579 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

580 (i) may not hold both an unexpired Utah license certificate and an unexpired
581 identification card; and

582 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
583 identification card in the person's possession, shall be required to surrender either the unexpired
584 Utah license certificate or the unexpired Utah identification card.

585 (c) If a person has not surrendered either the Utah license certificate or the Utah
586 identification card as required under this Subsection (6), the division shall cancel the Utah
587 identification card on December 1, 2017.

588 Section 6. Section **53-3-805** is amended to read:

589 **53-3-805. Identification card -- Contents -- Specifications.**

590 (1) (a) The division shall issue an identification card that bears:
591 (i) the distinguishing number assigned to the person by the division;
592 (ii) the name, birth date, and Utah residence address of the person;
593 (iii) a brief description of the person for the purpose of identification;
594 (iv) a photograph of the person;
595 (v) a photograph or other facsimile of the person's signature;
596 (vi) an indication whether the person intends to make an anatomical gift under Title 26,
597 Chapter 28, Revised Uniform Anatomical Gift Act; and
598 (vii) if the person states that the person is a veteran of the United States military on the
599 application for an identification card in accordance with Section 53-3-804 and provides
600 verification that the person [~~was honorably discharged~~] received an honorable or general
601 discharge from the United States [~~military~~] Armed Forces, an indication that the person is a
602 United States military veteran for a regular identification card or a limited-term identification
603 card issued on or after July 1, 2011.
604 (b) An identification card issued by the division may not bear the person's Social
605 Security number or place of birth.
606 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and
607 alteration.
608 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
609 prescribed by the commissioner.
610 (3) At the applicant's request, the card may include a statement that the applicant has a
611 special medical problem or allergies to certain drugs, for the purpose of medical treatment.
612 (4) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated
613 by the applicant in accordance with division rule.
614 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
615 Management Act, the division may, upon request, release to an organ procurement
616 organization, as defined in Section 26-28-102, the names and addresses of all persons who
617 under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

618 (ii) An organ procurement organization may use released information only to:
619 (A) obtain additional information for an anatomical gift registry; and
620 (B) inform applicants of anatomical gift options, procedures, and benefits.
621 (5) Notwithstanding Title 63G, Chapter 2, Government Records Access and
622 Management Act, the division may release to the Department of Veterans' and Military Affairs
623 the names and addresses of all persons who indicate their status as a veteran under Subsection
624 53-3-804(2)(l).

625 (6) The division and its employees are not liable, as a result of false or inaccurate
626 information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

- 627 (a) loss;
- 628 (b) detriment; or
- 629 (c) injury.

630 (7) (a) The division may issue a temporary regular identification card to a person while
631 the person obtains the required documentation to establish verification of the information
632 described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

633 (b) A temporary regular identification card issued under this Subsection (7) shall be
634 recognized and grant the person the same privileges as a regular identification card.

635 (c) A temporary regular identification card issued under this Subsection (7) is invalid:

- 636 (i) when the person's regular identification card has been issued;
- 637 (ii) when, for good cause, an applicant's application for an identification card has been
638 refused; or
- 639 (iii) upon expiration of the temporary regular identification card.

640 Section 7. Section 59-2-1104 is amended to read:

641 **59-2-1104. Definitions -- Armed Forces exemption -- Amount of Armed Forces**
642 **exemption.**

643 (1) As used in this section and Section 59-2-1105:

644 (a) "Active component of the United States Armed Forces" is as defined in Section
645 59-10-1027.

- 646 (b) "Adjusted taxable value limit" means:
- 647 (i) for the year 2005, \$200,000; and
- 648 (ii) for each year after 2005, the amount of the adjusted taxable value limit for the
- 649 previous year, plus an amount calculated by multiplying the amount of the adjusted taxable
- 650 value limit for the previous year by the actual percent change in the Consumer Price Index
- 651 during the previous calendar year.
- 652 (c) "Claimant" means:
- 653 (i) a veteran with a disability who files an application under Section 59-2-1105 for a
- 654 veteran's exemption;
- 655 (ii) the unmarried surviving spouse:
- 656 (A) of a:
- 657 (I) deceased veteran with a disability; or
- 658 (II) veteran who was killed in action or died in the line of duty; and
- 659 (B) who files an application under Section 59-2-1105 for a veteran's exemption;
- 660 (iii) a minor orphan:
- 661 (A) of a:
- 662 (I) deceased veteran with a disability; or
- 663 (II) veteran who was killed in action or died in the line of duty; and
- 664 (B) who files an application under Section 59-2-1105 for a veteran's exemption; or
- 665 (iv) a member of an active component of the United States Armed Forces or a reserve
- 666 component of the United States Armed Forces who performed qualifying active duty military
- 667 service.
- 668 (d) "Consumer price index" is as described in Section 1(f)(4), Internal Revenue Code,
- 669 and defined in Section 1(f)(5), Internal Revenue Code.
- 670 (e) "Deceased veteran with a disability" means a deceased person who was a veteran
- 671 with a disability at the time the person died.
- 672 (f) "Military entity" means:
- 673 (i) the federal Department of Veterans Affairs;

674 (ii) an active component of the United States Armed Forces; or

675 (iii) a reserve component of the United States Armed Forces.

676 (g) "Qualifying active duty military service" means:

677 (i) at least 200 days in a calendar year, regardless of whether consecutive, of active
678 duty military service outside the state in an active component of the United States Armed
679 Forces or a reserve component of the United States Armed Forces; or

680 (ii) the completion of at least 200 consecutive days of active duty military service
681 outside the state:

682 (A) in an active component of the United States Armed Forces or a reserve component
683 of the United States Armed Forces; and

684 (B) that began in the prior year, if those days of active duty military service outside the
685 state in the prior year were not counted as qualifying active duty military service for purposes
686 of this section or Section 59-2-1105 in the prior year.

687 (h) "Reserve component of the United States Armed Forces" is as defined in Section
688 59-10-1027.

689 (i) "Residence" is as defined in Section 59-2-1202, except that a rented dwelling is not
690 considered to be a residence.

691 (j) "Veteran who was killed in action or died in the line of duty" means a person who
692 was killed in action or died in the line of duty in an active component of the United States
693 Armed Forces or a reserve component of the United States Armed Forces, regardless of
694 whether that person had a disability at the time that person was killed in action or died in the
695 line of duty.

696 (k) "Veteran with a disability" means a person with a disability who, during military
697 training or a military conflict, acquired a disability in the line of duty in an active component of
698 the United States Armed Forces or a reserve component of the United States Armed Forces.

699 (l) "Veteran's exemption" means a property tax exemption provided for in Subsection
700 (2).

701 (2) (a) The amount of taxable value of the property described in Subsection (2)(b) is

702 exempt from taxation as calculated under Subsections (2)(c) through (e) if the property
703 described in Subsection (2)(b) is owned by:

- 704 (i) a veteran with a disability;
- 705 (ii) the unmarried surviving spouse or a minor orphan of a:
 - 706 (A) deceased veteran with a disability; or
 - 707 (B) veteran who was killed in action or died in the line of duty; or
- 708 (iii) a member of an active component of the United States Armed Forces or a reserve
709 component of the United States Armed Forces who performed qualifying active duty military
710 service.

711 (b) Subsection (2)(a) applies to the following property:

- 712 (i) the claimant's primary residence;
- 713 (ii) for a claimant described in Subsection (2)(a)(i) or (ii), tangible personal property
714 that:

- 715 (A) is held exclusively for personal use; and
- 716 (B) is not used in a trade or business; or
- 717 (iii) for a claimant described in Subsection (2)(a)(i) or (ii), a combination of
718 Subsections (2)(b)(i) and (ii).

719 (c) Except as provided in Subsection (2)(d) or (e), the amount of taxable value of
720 property described in Subsection (2)(b) that is exempt under Subsection (2)(a) is:

- 721 (i) as described in Subsection (2)(f), if the property is owned by:
 - 722 (A) a veteran with a disability;
 - 723 (B) the unmarried surviving spouse of a deceased veteran with a disability; or
 - 724 (C) a minor orphan of a deceased veteran with a disability; or
- 725 (ii) equal to the total taxable value of the claimant's property described in Subsection
726 (2)(b) if the property is owned by:

- 727 (A) the unmarried surviving spouse of a veteran who was killed in action or died in the
728 line of duty;
- 729 (B) a minor orphan of a veteran who was killed in action or died in the line of duty; or

730 (C) a member of an active component of the United States Armed Forces or a reserve
731 component of the United States Armed Forces who performed qualifying active duty military
732 service.

733 (d) (i) Notwithstanding Subsection (2)(c)(i) and subject to Subsection (2)(d)(ii), a
734 veteran's exemption except for a claimant described in Subsection (2)(a)(iii) may not be
735 allowed under this Subsection (2) if the percentage of disability listed on the certificate
736 described in Subsection 59-2-1105(3)(a) is less than 10%.

737 (ii) A veteran with a disability is considered to have a 100% disability, regardless of
738 the percentage of disability listed on a certificate described in Subsection 59-2-1105(3)(a), if
739 the United States Department of Veterans Affairs certifies the veteran in the classification of
740 individual unemployability.

741 (e) Notwithstanding Subsection (2)(c)(i), a claimant who is the unmarried surviving
742 spouse or minor orphan of a deceased veteran with a disability may claim an exemption for the
743 total value of the property described in Subsection (2)(b) if:

744 (i) the deceased veteran with a disability served in the military service of the United
745 States or the state prior to January 1, 1921; and

746 (ii) the percentage of disability listed on the certificate described in Subsection
747 59-2-1105(3)(a) for the deceased veteran with a disability is 10% or more.

748 (f) Except as provided in Subsection (2)(g), the amount of the taxable value of the
749 property described in Subsection (2)(b) that is exempt under Subsection (2)(c)(i) is equal to the
750 percentage of disability listed on the certificate described in Subsection 59-2-1105(3)(a)
751 multiplied by the adjusted taxable value limit.

752 (g) Notwithstanding Subsection (2)(f), the amount of the taxable value of the property
753 described in Subsection (2)(b) that is exempt under Subsection (2)(c)(i) may not be greater than
754 the taxable value of the property described in Subsection (2)(b).

755 (h) For purposes of this section and Section 59-2-1105, a person who [~~is honorably~~
756 ~~discharged~~] received an honorable or general discharge from military service of an active
757 component of the United States Armed Forces or a reserve component of the United States

758 Armed Forces:

759 (i) is presumed to be a citizen of the United States; and

760 (ii) may not be required to provide additional proof of citizenship to establish that the
761 person is a citizen of the United States.

762 (3) The Department of Veterans' and Military Affairs created in Section 71-8-2 shall,
763 through an informal hearing held in accordance with Title 63G, Chapter 4, Administrative
764 Procedures Act, resolve each dispute arising under this section concerning a veteran's status as
765 a veteran with a disability.

766 Section 8. Section 71-8-1 is amended to read:

767 **71-8-1. Definitions.**

768 As used in this chapter:

769 (1) "Contractor" means a person who is or may be awarded a government entity
770 contract.

771 (2) "Council" means the Veterans' Advisory Council.

772 (3) "Department" means the Department of Veterans' and Military Affairs.

773 (4) "Executive director" means the executive director of the Department of Veterans'
774 Affairs.

775 (5) "Government entity" means the state and any county, municipality, local district,
776 special service district, and any other political subdivision or administrative unit of the state,
777 including state institutions of education.

778 (6) "Specialist" means a full-time employee of a government entity who is tasked with
779 responding to, and assisting, veterans who are employed by the entity or come to the entity for
780 assistance.

781 (7) "Veteran" means:

782 (a) an individual who has served on active duty in the armed forces for at least 180
783 consecutive days or was a member of a reserve component, and who has been separated or
784 retired under honorable or general conditions; or

785 (b) any individual incurring an actual service-related injury or disability in the line of

786 duty whether or not that person completed 180 days of active duty.